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Clarence Atwell, Jr., et al.

17 UNITED STATES DISTRICT COURT  
18 EASTERN DISTRICT OF CALIFORNIA

19  
20 ROSELIND QUAIR & CHARLOTTE BERNA,  
21 Petitioners,  
22 v.  
23 CLARENCE ATWELL, JR., ELMER THOMAS,  
KEVIN THOMAS, DENA BAGA, ELAINE  
24 JEFF, and PATRICIA DAVIS, and DOES 1 to  
50,  
25 Respondents.

No. 1: 02 CV 5891 REC DLB

**STIPULATION AND ORDER TO  
CONTINUE PETITIONERS'  
MOTION FOR A PROTECTIVE  
ORDER AND RESPONDENTS'  
MOTION TO COMPEL AND  
MODIFY THE SCHEDULING  
ORDER**

Judge: Hon. Dennis L. Beck

Case No. CV F 02 5891 REC DLB

STIPULATION AND [PROPOSED] ORDER TO CONTINUE PETITIONERS' MOTION FOR A  
PROTECTIVE ORDER AND RESPONDENTS' MOTION TO COMPEL AND MODIFY THE SCHEDULING  
ORDER

Petitioners Rosalind Quair and Charlotte Berna (collectively “Petitioners”), and Respondents Clarence Atwell, Jr., Elmer Thomas, Kevin Thomas, Dena Baga, Elaine Jeff, Patricia Davis (collectively “Respondents”), by and through their respective counsel, hereby agree and stipulate as follows, and respectfully request the Court enter the following Stipulation as an Order:

## STIPULATION

WHEREAS, the parties attended a hearing before the Honorable Dennis L. Beck on August 5, 2005 in the U.S. District Court for the Eastern District of California, at which the Court addressed Petitioners' Motion for a Protective Order and Respondents' Motion to Compel;

WHEREAS, the Court continued the hearings on both Petitioners' Motion for a Protective Order and Respondents' Motion to Compel;

WHEREAS, the parties agreed to allow Petitioners three weeks to gather additional evidence and such evidence will be provided to Outside Counsel for Respondents pursuant to an Outside Attorneys Eyes Only Protective Order and to the Court under seal on or before August 26, 2005;

WHEREAS, this evidence will be made available solely to the Court and Respondents' counsel at the law firm of Lang, Richert & Patch;

WHEREAS, after the evidence is provided, the parties agree to meet and confer on or before September 12, 2005 to determine if additional investigation is necessary, and to submit any unresolved issues to the Court for resolution, if necessary;

WHEREAS, if further Court intervention is required, the parties agree to file a joint statement on September 27, 2005 for a continued hearing before Hon. Dennis L. Beck on September 30, 2005;

THEREFORE, the parties agree to continue the trial date to June 5, 2006, in order to accommodate any additional briefing that may be necessary with respect to the Motion for a Protective Order and to allow sufficient time for the parties to file Motions for Summary

Judgment. Accordingly, the parties to this action, through their respective attorneys of record, agreed to a modification of the scheduling order as follows:

<b>Event</b>	<b>Prior Date</b>	<b>Modified Date</b>
Last day for filing dispositive motions	August 26, 2005	December 15, 2005
Last day to file oppositions to dispositive motions	October 12, 2005	January 26, 2006
Last day to file reply in support of dispositive motions	November 1, 2005	February 16, 2005
Last day to hear dispositive motions	December 2, 2005	March 20, 2006
Pre-Trial Conference	January 4, 2006	April 21, 2006
Hearing on Petitioners' Petition	March 13, 2006	June 5, 2006

1 It is hereby, AGREED.

2 DATED: August \_\_, 2005

3  
4 Bingham McCutchen LLP

5  
6 By: /s/ Melissa K. Brown

7 Melissa K. Brown  
8 Attorneys for Petitioners  
9 ROSELIND QUAIR & CHARLOTTE BERNA

10 LANG, RICHERT, & PATCH

11  
12  
13 By: /s/ Laurie L. Quigley

14 Laurie L. Quigley  
15 Attorneys for Respondents  
16 CLARENCE ATWELL, JR., ELMER  
17 THOMAS, KEVIN THOMAS, DENA  
18 BAGA, ELAINE JEFF, AND  
19 PATRICIA DAVIS

20  
21 **IT IS SO ORDERED:**

22 DATED: August 15, 2005.

23  
24 By: /s/ Dennis L. Beck

25 Hon. Dennis L. Beck  
26 Chief Magistrate Judge  
United States District Court, Eastern District  
of California